

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/24364

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C12N 15/82; A01H 5/00

US CL : 800/278, 298; 435/468; 536/ 23.6

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 800/278, 298; 435/468; 536/ 23.6

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Sequence databases, WEST, DIALOG

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Database GenEMBL, Accession U11764, HERZOG et al, 'GASA, a gibberellin-regulated gene family from Arabidopsis thaliana related to the tomato GAST1 gene', Plant Mol. Biol. 27(4); 743-752; 1995: -	1-8
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Y	US 6,271,440 B1 (GUBLER et al) 07 August 2001 (07.08.2001), column 31.	1-27

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"B" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

19 April 2004 (19.04.2004)

Date of mailing of the international search report

17 JUN 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
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Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: Please See Continuation Sheet

Remark on Protest

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☐

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

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BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

- Group 1, claim(s) 1-27, drawn to SEQ ID NO: 1 or encoding SEQ ID NO: 2.
- Group 2, claim(s) 1-25, 30 and 31, drawn to SEQ ID NO: 3 or encoding SEQ ID NO: 4.
- Group 3, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 5 or encoding SEQ ID NO: 6.
- ~~Group 4, claim(s) 1-25, 32 and 33, drawn to SEQ ID NO: 7 or encoding SEQ ID NO: 8.~~
- Group 5, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 9 or encoding SEQ ID NO: 10.
- Group 6, claim(s) 1-25, 30 and 31, drawn to SEQ ID NO: 11 or encoding SEQ ID NO: 12.
- Group 7, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 13 or encoding SEQ ID NO: 14.
- Group 8, claim(s) 1-27, drawn to SEQ ID NO: 15 or encoding SEQ ID NO: 16.
- Group 9, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 17 or encoding SEQ ID NO: 18.
- Group 10, claim(s) 1-25, 28 and 29, drawn to SEQ ID NO: 19 or encoding SEQ ID NO: 20.
- Group 11, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 21 or encoding SEQ ID NO: 22.
- Group 12, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 23 or encoding SEQ ID NO: 24.
- Group 13, claim(s) 1-25, 34 and 35, drawn to SEQ ID NO: 25 or encoding SEQ ID NO: 26.
- Group 14, claim(s) 1-27, drawn to SEQ ID NO: 27 or encoding SEQ ID NO: 28.
- Group 15, claim(s) 1-25, 29 and 30, drawn to SEQ ID NO: 29 or encoding SEQ ID NO: 30.
- Group 16, claim(s) 1-25, 36-46, drawn to SEQ ID NO: 31 or encoding SEQ ID NO: 32.
- Group 17, claim(s) 1-27, drawn to SEQ ID NO: 33 or encoding SEQ ID NO: 34.
- Group 18, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 35 or encoding SEQ ID NO: 36.
- Group 19, claim(s) 1-25, 32 and 33, drawn to SEQ ID NO: 37 or encoding SEQ ID NO: 38.
- Group 20, claim(s) 1-25, 32 and 33, drawn to SEQ ID NO: 39 or encoding SEQ ID NO: 40.
- Group 21, claim(s) 1-25, 30 and 31, drawn to SEQ ID NO: 41 or encoding SEQ ID NO: 42.
- Group 22, claim(s) 1-25, 28 and 29, drawn to SEQ ID NO: 43 or encoding SEQ ID NO: 44.
- Group 23, claim(s) 1-25, 28 and 29, drawn to SEQ ID NO: 45 or encoding SEQ ID NO: 46.
- Group 24, claim(s) 1-25, 47 and 48, drawn to SEQ ID NO: 47 or encoding SEQ ID NO: 48.

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Group 25, claim(s) 1-25, 32 and 33, drawn to SEQ ID NO: 51 or encoding SEQ ID NO: 52.

Group 26, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 53 or encoding SEQ ID NO: 54.

Group 27, claim(s) 1-25, 30 and 31, drawn to SEQ ID NO: 55 or encoding SEQ ID NO: 56.

Group 28, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 57 or encoding SEQ ID NO: 58.

Group 29, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 59 or encoding SEQ ID NO: 60.

Group 30, claim(s) 1-25, 28 and 29, drawn to SEQ ID NO: 61 or encoding SEQ ID NO: 62.

Group 31, claim(s) 1-27, drawn to SEQ ID NO: 63 or encoding SEQ ID NO: 64.

Group 32, claim(s) 1-25, 32 and 33, drawn to SEQ ID NO: 65 or encoding SEQ ID NO: 66.

Group 33, claim(s) 1-25, 30 and 31, drawn to SEQ ID NO: 67 or encoding SEQ ID NO: 68.

Group 34, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 69 or encoding SEQ ID NO: 70.

Group 35, claim(s) 1-25, 30 and 31, drawn to SEQ ID NO: 71 or encoding SEQ ID NO: 72.

Group 36, claim(s) 1-27, drawn to SEQ ID NO: 73 or encoding SEQ ID NO: 74.

Group 37, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 75 or encoding SEQ ID NO: 76.

Group 38, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 77 or encoding SEQ ID NO: 78.

Group 39, claim(s) 1-27, drawn to SEQ ID NO: 79 or encoding SEQ ID NO: 80.

Group 40, claim(s) 1-25 and 36-46, drawn to SEQ ID NO: 81 or encoding SEQ ID NO: 82.

The inventions listed as Groups 1-40 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: each of Groups 1-40 is drawn to a method of using a different DNA sequence for transforming a plant, wherein each DNA sequence encodes a different protein and these different proteins do not share a common core structure or common activity. This is evidenced by the specification at pages 12-14 where it shows that the SEQ ID numbers code for a variety of different activities. In addition, the different structure for each is evidenced by the different SEQ ID numbers set forth for each.

Continuation of Box II Item 4:

1-27 to the extent the claims are drawn to SEQ ID NO: 1 or encoding SEQ ID NO: 2